

REMARKS

In response to the Office Action dated July 24, 2006, Applicants respectfully request continued examination. Applicants thank the Examiner for the thorough, well-organized Office Action.

Response to Arguments

Regarding the rejection of independent claims 1, and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,205,473 (Thomasson) and U.S. Patent Application No. 2002/0095687 (Shintani), the Applicants respectfully assert that these claims are patentable over Thomasson and Shintani.

Claim Rejections - 35 USC § 103

Claims 1, 3, 4 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson and Shintani. Applicants respectfully assert that claims 1, 3, 4, and 16 are patentable over Thomasson and Shintani.

Regarding claim 1, Thomasson and Shintani, alone or in combination, do not teach, disclose or suggest a multimedia distribution kiosk including a presence detection module configured to determine whether a remote wireless user is a subscriber or a non-subscriber, and a usage statistics module configured to store usage statistics, as recited in claim 1. The Examiner asserts that Shintani teaches a subscriber in ¶5, and that the subscriber can be a wireless user as stated in ¶ 16, and thus the system must detect the presence of the subscriber when the subscriber chooses to download multimedia (7/24/06 Office Action, page 2). Thus, under the Examiner's analysis, the presence detection module in Shintani is capable of detecting only subscribers, and does not make a determination as to whether a user is a subscriber or a non-subscriber. In contrast, claim 1 recites a presence detection module configured to determine whether the remote wireless user is a subscriber or a non-subscriber, and a processor configured to classify the remote wireless user as a subscriber or a non-subscriber. For at least these reasons, independent claim 1 and claims 3 and 4, that depend directly from claim 1, are patentable over Thomasson, and Shintani.

Regarding claim 16, Thomasson and Shintani, alone or in combination, do not teach, disclose or suggest a method including determining whether a user associated with a wireless device is a subscriber or a non-subscriber, and storing a multimedia option and a subscriber status in a usage statistics module. Thomasson discusses a system for communicating between networked computers using a high speed satellite communications channel to provide multimedia distribution (Col. 2 lines 27-33). Thomasson fails to teach detecting the presence of at least one wireless device (7/24/06 Office Action, page 7). As discussed in regards to claim 1, the presence detection module in Shintani is capable of detecting only subscribers, and does not make a determination as to whether a user is a subscriber or a non-subscriber. In contrast, claim 16 recites a method of processing multimedia data including determining whether a user associated with the wireless device is a subscriber or a non-subscriber, and storing the multimedia option and a subscriber status in a usage statistics module. For at least these reasons, claim 16 is patentable over Thomasson and Shintani.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson and Shintani, and in further view of U.S. Patent Application No. 2003/0191816 (Landress). Applicants respectfully assert that claim 5 is patentable over Thomasson, Shintani and Landress. The Examiner does not assert that Landress makes up for the deficiencies of Thomasson and Shintani noted above with respect to independent claim 1. Thus, claim 5 that indirectly depends from claim 1, is patentable over Thomasson, Shintani and Landress.

Claims 9-11, and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson and Shintani, and in further view of U.S. Patent Application No. 2002/0065730 (Nii). Applicants respectfully assert that claims 9-11 and 13 are patentable over Thomasson, Shintani and Nii. As indicated above, the Applicants respectfully assert that Nii does not make up for the deficiencies of Thomasson and Shintani noted above with respect to independent claim 1. Thus, claims 9-11 and 13, that directly or indirectly depend from claim 1, are patentable over Thomasson, Shintani and Nii.

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson, Shintani, and Nii in further view of Landress. Applicants respectfully assert that claim 12 is patentable over Thomasson, Shintani, Nii and Landress. The Examiner does not assert that Nii and Landress make up for the deficiencies of Thomasson and Shintani noted above with respect

to independent claim 1. Thus, claim 12 is patentable over Thomasson, Shintani, Nii and Landress.

Claims 18-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson, Shintani, and U.S. Patent No. 6,073,075 (Kondou) in further view of Nii. Applicants respectfully assert that these claims are patentable over Thomasson, Shintani, Kondou and Nii. The Examiner does not assert that Kondou and Nii make up for the deficiencies of Thomasson and Shintani noted above with respect to independent claim 16. Thus, claims 18-25 that directly or indirectly depend from claim 16, are patentable over Thomasson, Shintani, Kondou and Nii.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondou and Shintani. Applicants respectfully assert that this claim is patentable over Kondou and Shintani because neither Kondou or Shintani, alone or in combination, teach disclose or suggest a system including a multimedia receiver configured to receive multimedia data from a user, and a multimedia distribution device is configured to wirelessly detect the presence of at least one user device, to determine whether the user device is a subscriber or a non-subscriber, to store usage statistics associated with the user device. Kondou discusses a method for providing information from an information server to a mobile user based on the current place and destination of the user (Col. 2 lines 5-10). Kondou does not discuss user subscriber status. Shintani, as discussed in regards to claim 1, discusses wirelessly detecting only subscribers, and does not make a determination as to whether a user is a subscriber or a non-subscriber. Thus, Kondou and Shintani, alone or in combination, teach, disclose or suggest a system including a multimedia receiver configured to receive multimedia data from a user, and a multimedia distribution device is configured to wirelessly detect the presence of at least one user device, to determine whether the user device is a subscriber or a non-subscriber, to store usage statistics associated with the user device, as recited in claim 26. For at least these reasons, independent claim 26, and claims 27-32 that depend directly and indirectly from claim 26, are patentable over Kondou and Shintani.

Claims 27-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani, Kondou and Nii. Applicants respectfully assert that these claims are patentable over Shintani, Kondou and Nii. The Examiner does not assert that Nii makes up for the deficiencies of

Shintani and Kondou noted above with respect to independent claim 26. Thus, claims 27-32 that directly or indirectly depend from claim 26, are patentable over Shintani, Kondou and Nii.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. The Examiner is invited to call the Applicants' Attorney at the number provided below with any questions.

Respectfully submitted,



T. J. Clark, Registration No. 54,039
Attorneys for Applicants
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
Telephone: (617) 542-5000
Facsimile: (617) 542-2241
Customer No. 30623

Date: December 18, 2006

TRA 2224555v.1